

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

HEADWATER RESEARCH LLC,

Plaintiff and Counterclaim-Defendant,

v.

T-MOBILE US, INC., T-MOBILE USA, INC.,
and SPRINT CORP.,

Defendants and Counterclaimant-Plaintiffs.

HEADWATER RESEARCH LLC,

Plaintiff and Counterclaim-Defendant,

v.

T-MOBILE US, INC., T-MOBILE USA, INC.,
and SPRINT CORP.,

Defendants and Counterclaimant-Plaintiffs.

Case No. 2:23-CV-00379-JRG-RSP
(LEAD CASE)

ANSWER TO COUNTERCLAIMS

JURY TRIAL DEMANDED

Case No. 2:23-CV-00377-JRG-RSP
(MEMBER CASE)

JURY TRIAL DEMANDED

HEADWATER'S ANSWER TO T-MOBILE'S COUNTERCLAIMS

Plaintiff and Counterclaim-Defendant Headwater Research LLC (“Headwater”) hereby answers Defendants and Counterclaimant-Plaintiffs T-Mobile US, Inc., T-Mobile USA, Inc., and Sprint Corp.’s (collectively, “T-Mobile” or “Defendants and Counterclaim-Plaintiffs”) counterclaims as follows:

THE PARTIES

1. Headwater does not have knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 1 and on that basis: denied.
2. Admitted that Headwater Research LLC is a Texas limited liability company with its headquarters at 110 North College Avenue, Suite 1116, Tyler, Texas 75702.

JURISDICTION AND VENUE

3. Admitted.

4. Admitted.

5. Admitted.

6. Headwater admits that it has sued T-Mobile for infringement of the '543 Patent, and '042 Patent and that there is a substantial, actual, and continuing controversy between Headwater and T-Mobile as to the infringement of the asserted patents. Headwater denies the remaining allegations of paragraph 6.

COUNT 1

(Declaratory Judgment of Non-Infringement of the '543 Patent)

7. Headwater incorporates the preceding paragraphs by reference, as though fully set forth herein.

8. Denied.

9. Denied.

COUNT 2

(Declaratory Judgment of Invalidity of the '543 Patent)

10. Headwater incorporates the preceding paragraphs by reference, as though fully set forth herein.

11. Denied.

12. Denied.

COUNT 3

(Declaratory Judgment of Non-Infringement of the '042 Patent)

13. Headwater incorporates the preceding paragraphs by reference, as though fully set forth herein.

14. Denied.

15. Denied.

COUNT 4
(Declaratory Judgment of Invalidity of the '042 Patent)

16. Headwater incorporates the preceding paragraphs by reference, as though fully set forth herein.

17. Denied.

18. Denied.

PRAYER FOR RELIEF

In response to T-Mobile's prayer for relief, Headwater denies that T-Mobile is entitled to any relief, including any of the relief requested in paragraphs A–E of T-Mobile's prayer for relief. Further, Headwater requests the following relief:

WHEREFORE, Headwater respectfully requests that this Court enter:

- a. A judgment in favor of Headwater that T-Mobile has infringed, either directly or indirectly, literally, under the doctrine of equivalents, or otherwise, the '543 Patent and the '042 Patent;
- b. A permanent injunction prohibiting T-Mobile from further acts of infringement of the '543 Patent and the '042 Patent;
- c. A judgment and order requiring T-Mobile to pay Headwater its damages, enhanced damages, costs, expenses, and pre-judgment and post-judgment interest for T-Mobile's infringement of the '543 Patent and the '042 Patent;
- d. A judgment and order requiring T-Mobile to provide accountings and to pay supplemental damages to Headwater, including without limitation, pre-judgment and post-judgment interest;
- e. A judgment and order finding that this is an exceptional case within the meaning

of 35 U.S.C. § 285 and awarding to Headwater its reasonable attorneys' fees against T-Mobile; and

f. Any and all other relief as the Court may deem appropriate and just under the circumstances.

JURY DEMAND

Headwater, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable by right.

Dated: August 30, 2024

Respectfully submitted,

/s/ Marc Fenster

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**ATTORNEYS FOR PLAINTIFF AND
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Headwater Research LLC**

CERTIFICATE OF SERVICE

I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served this 30th day of August 2024, with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3).

/s/ Marc Fenster
Marc Fenster